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**UNITED STATES DISTRICT COURT**  
**DISTRICT OF NEVADA**

DANIEL H. STEVENSON, et al.,

Plaintiffs,

v.

UNITED STATES OF AMERICA, et al.,

Defendants.

Case No. 2:21-cv-01284-JAD-NJK

**REPORT AND RECOMMENDATION**

13 Plaintiffs initiated this case without paying the required fee or filing applications to proceed  
14 *in forma pauperis*. Docket No. 1. On July 16, 2021, the Court ordered Plaintiffs to either pay the  
15 filing fee or file separate applications to proceed *in forma pauperis* by August 6, 2021. Docket  
16 No. 2. The Court warned that “[f]ailure to comply will result in a recommendation to the  
17 District Judge that this case be dismissed.” *Id.* at 1 (emphasis in original). Notwithstanding  
18 that warning, Plaintiffs did not comply.

19 This case cannot proceed without Plaintiffs either paying the filing fee or filing applications  
20 to proceed *in forma pauperis*. See 28 U.S.C. § 1914(a); see also 28 U.S.C. § 1915(a). Having  
21 refused to do either in this case, Plaintiffs’ case is subject to dismissal. *E.g., Desai v. Biden*, 2021  
22 WL 38169, at \*1 (E.D. Cal. Jan. 5, 2021), *adopted*, 2021 WL 276236 (E.D. Cal. Jan. 27, 2021).

23 Moreover, Plaintiffs’ refusal to comply with the Court’s order is an abusive litigation  
24 practice that has interfered with the Court’s ability to hear this case, delayed litigation, disrupted  
25 the Court’s timely management of its docket, wasted judicial resources, and threatened the  
26 integrity of the Court’s orders and the orderly administration of justice. Sanctions less drastic than  
27 dismissal are unavailable because Plaintiffs have refused to comply with the order of this Court  
28 notwithstanding the warning that case-dispositive sanctions may be imposed.

1 Accordingly, the undersigned **RECOMMENDS** that this case be **DISMISSED** without  
2 prejudice.

3 Dated: August 19, 2021

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6 Nancy J. Koppe  
United States Magistrate Judge

7 **NOTICE**

8 This report and recommendation is submitted to the United States District Judge assigned  
9 to this case pursuant to 28 U.S.C. § 636(b)(1). A party who objects to this report and  
10 recommendation must file a written objection supported by points and authorities within fourteen  
11 days of being served with this report and recommendation. Local Rule IB 3-2(a). Failure to file  
12 a timely objection may waive the right to appeal the district court's order. *Martinez v. Ylst*, 951  
13 F.2d 1153, 1157 (9th Cir. 1991).